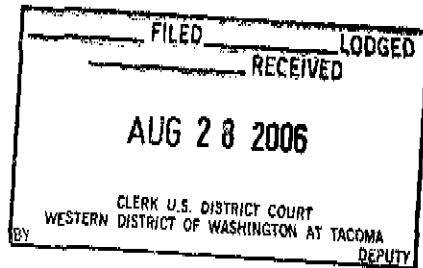


MAGISTRATE JUDGE STROMBOM



06-CR-05383-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRADY C. LOVE ,

Defendant/Petitioner.

NO. CR06-5383

FINDINGS AND ORDER ACCEPTING
DEFENDANT FOR DEFERRED
PROSECUTION, APPROVING
TREATMENT PLAN, AND DIRECTING
DEFENDANT TO TAKE TREATMENT
AS PRESCRIBED PURSUANT TO RCW
10.05

(Clerk's Action Required)

THIS MATTER, coming on for hearing this ^{28th} ~~14th~~ day of August, 2006, upon
the defendant's Petition for Deferred Prosecution; the defendant appearing in person and
by her/his attorney, Sean P. Wickens, and the United States of America being
represented by Barbara Sievers, Assistant United States Attorney; the Court, having
examined and incorporated into the record Petitioner's Petition and Statement in support
of deferred prosecution, the evaluation and treatment report prepared by Social Treatment
Opportunity Programs (STOP), and the files and records herein, being fully advised in the premises, does
now make and enter the following:

///

///

FINDINGS AND ORDER ACCEPTING DEFENDANT
FOR DEFERRED PROSECUTION - 1 [2005 version]
(**)

FEDERAL PUBLIC DEFENDER
1601 Fifth Avenue, Suite 700
Seattle, Washington 98101
(206) 553-1100

cc: USPD

I. FINDINGS OF FACT

A. On or about the 15th day of April, 2006, Petitioner was charged with the offense/offenses charged in the Information. This offense occurred as a direct result of alcoholism/chemical dependency problems;

B. Petitioner suffers from an alcohol/drug problem and is in need of treatment;

C. The probability of similar misconduct in the future is great if the problem is not treated;

D. Petitioner is amenable to treatment;

E. An effective rehabilitative treatment plan is available to Petitioner through Army Substance Abuse Program (ASAP), an approved treatment facility as designated by the laws of the State of Washington, and Petitioner agrees to be liable for all costs of this treatment program;

F. That Petitioner agrees to comply with the terms and conditions of the program offered by the treatment facility as set forth in the diagnostic evaluation from Social Treatment Opportunity Programs (STOP), attached to Statement of Petitioner filed herewith, and that Petitioner agrees to be liable for all costs of this treatment program;

G. That Petitioner has knowingly and voluntarily stipulated to the admissibility and sufficiency of the facts as contained in the written police report attached to Statement of Petitioner filed herewith.

H. That Petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of this Order Granting Deferred Prosecution and that these reports will be used to support a finding of guilt;

From the foregoing FINDINGS OF FACT, the Court draws the following:

1 **II. CONCLUSIONS OF LAW**

2 A. That the above-entitled Court has jurisdiction over the subject matter and
3 Petitioner BRADY C. LOVE, in this case;

4 B. That Petitioner's Petition for Deferred Prosecution meets the requirements
5 of RCW 10.05 et seq.;

6 C. That the diagnostic evaluation and commitment to treatment meets the
7 requirements of RCW 10.05.150;

8 D. That Petitioner is eligible for deferred prosecution.

9 **III. ORDER**

10 Having made and entered the foregoing FINDINGS OF FACT and
11 CONCLUSIONS OF LAW, it is hereby

12 ORDERED that the defendant is accepted for deferred prosecution. The
13 prosecution of the above-entitled matter is hereby deferred for a five (5) years pursuant
14 to RCW 10.05 et seq., upon the following terms and conditions:

15 A. Petitioner shall be on probation for the deferral period and follow the rules
16 and regulations of probation;

17 B. Petitioner shall enroll in and successfully complete the two-year treatment
18 program recommended by STOP / ASAP according to the terms
19 and conditions of that plan as outlined in the diagnostic evaluation, a true copy of which
20 is attached to the Petition and incorporated herein by reference. Petitioner shall not
21 change treatment agencies without prior Probation approval;

22 C. The treatment facility, Army Substance Abuse Program ^(ASAP), shall file
23 with the United States Probation Office status reports of Petitioner's compliance with
24 treatment, monthly during the first year of the deferred prosecution period and every
25 three (3) months during the second year. The Court may increase the frequency of these
26 reports at its discretion;

1 D. Petitioner shall notify U.S. Probation within 72 hours of any residence
2 change.

3 E. Petitioner shall abstain during the deferred prosecution period from any
4 and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

5 F. Petitioner shall not operate a motor vehicle on the public highways without
6 a valid operator's license and proof of liability insurance sufficient to comply with the
7 state laws on financial responsibility;

8 G. Petitioner shall be law abiding and shall not commit any alcohol/drug
9 related offenses or other criminal offenses during the period of deferral,

10 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
11 questioned, or cited by Law Enforcement;

12 I. In the event that Petitioner fails or neglects to carry out and fulfill any term
13 or condition of her/his treatment plan or violates any provision of this Order or any rule
14 or regulation of her/his probation officer, upon receiving notice, the Court shall hold a
15 hearing to determine why Petitioner should not be removed from deferred prosecution
16 and prosecuted for the offense/offenses charged;

17 J. In the event the Court finds cause to revoke this deferred prosecution, the
18 stipulated police reports shall be admitted into evidence, and Petitioner shall have ~~her~~^{his}
19 guilt or innocence determined by the Court;

20 K. That the statement of Petitioner for Deferred Prosecution shall remain
21 sealed, and all subsequent reports or documents relating to ~~her~~^{his} treatment information
22 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

23 L. That the Department of Licensing be notified of this Order accepting the
24 Petitioner for deferred prosecution;


25 M. Upon proof of Petitioner's successful completion of five years deferral
26 period in this Order, the Court shall dismiss the charges pending against Petitioner.

1 N. Additional conditions: Including, but not limited
2 to all conditions Recommended in the
3 Pre-Sentence Report

4
5
6 DONE IN OPEN COURT this 28 day of August, 2006.

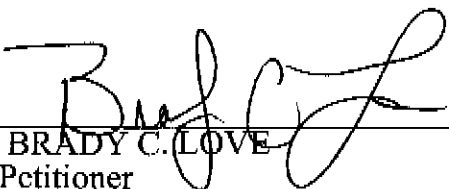
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9 
UNITED STATES MAGISTRATE JUDGE

10 Presented by:

11
12 
13 Sean P. Wickens
Attorney for Petitioner

14 I have received a copy of the foregoing Order of Deferred Prosecution. I have
15 read and understand its contents, and agree to abide by the terms and conditions set forth
16 herein.

17 Dated: 8/28/06

18 
BRADY C. LOVE
Petitioner

19
20 I certify that a copy of this signed Order was mailed to the subject treatment
21 facility, on August 28, 2006. The United States Probation Office was also
22 furnished a copy of this Order.

23 
Clerk